

REMARKS

It is noted that claims 22-26 have been indicated as being allowed in the final Office Action of February 4, 2009, and that claims 18-21 have been objected to as being dependent on non-allowed claims 15-17.

The Examiner has withdrawn the previous rejections under 35 USC 112, first paragraph and 35 USC 102. As a result, the only remaining rejection is the rejection of claims 15-17 as being obvious over *Boone et al.* in view of *Thompson et al.* However, on page 4 of the Office Action the Examiner indicates that a Declaration by Applicant “disclosing the term “insulin diabetes” corresponds to “type-I diabetes” would overcome the rejection”. In response thereto, enclosed is a Declaration under 37 CFR 1.132 by Dr. Steven E. Kahn. The Kahn Declaration specifically explains that the term “insulin diabetes” as used in the *Thompson et al.* and *Boone et al.* references “would be understood by those skilled in the relevant art as being a shorthand reference to type-I diabetes and would not be understood to encompass type-II diabetes” (see paragraph 3 of the Kahn Declaration). As explained in Applicant’s response of November 14, 2008, Applicant submits that the fundamental basis of the Examiner’s interpretation of the prior art has been shown to be incorrect, thus undermining the Examiner’s obviousness rejection. Accordingly, reconsideration and withdrawal of the rejection are requested.

It is believed that all of the claims are in condition for allowance, and early action to that effect is requested.

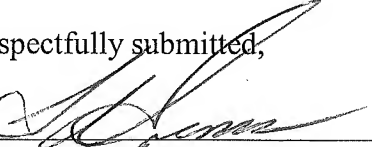
Application No.: 10/517,450

Docket No.: 4614-0160PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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